REMARKS

In the Office Action mailed November 16, 2006, the Examiner rejected claims 1-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0021783 to Ishii (hereinafter, "Ishii"), in view of U.S. Patent Application Publication No. 2005/0021783 to Gordon (hereinafter, "Gordon"). Claims 1-45 remain pending in the application of which claims 1, 19, 33, and 35 are independent.

Remarks regarding amendments

By this amendment, Applicant amends claims 1-45 to improve readability and to further clarify Applicant's invention. Support for the amendments can be found in Applicant's specification. For example, support for the limitations of claim 1, "maintaining licensing information on a server system," and "using a URL address of a unit of digital content to identify the location of the licensing information," is at page 3 on lines 6-7, where it states, "To determine the location of the license on the server, the software uses the content's URL as a point of reference." Support for "using a URL address of a unit of digital content to identify the location of the licensing information," may also be found in FIG. 3 (see element 302).

Support for, "the licensing information comprising information for allowing a source to provide the unit of digital content," as in claim 1, is at page 14 on lines 28-30, which states, "Instead of controlling access to the software or the content, deployment of the content from a server is controlled." Similar amendments were made to each of the additional independent claims, 19, 33, and 35. Accordingly, no new matter is introduced by the foregoing amendments.

Remarks regarding rejection under 35 U.S.C. § 103

Applicant maintains that the Examiner has failed to present a *prima facie* case of obviousness where Ishii does not disclose, teach, or suggest all of the elements of Applicant's claims and Gordon does not make up for the deficiencies of Ishii. See MPEP § 2143.03 ("To establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

First, Ishii does not disclose, teach, or suggest "using *a URL address of a unit of digital content* to identify the location of the licensing information," as recited in claim 1. Emphasis added. The Examiner has interpreted Applicant's use of the URL simply as a mechanism to retrieve content through the internet. See Office action at 3. However, as recited in claim 1, Applicant uses the URL to "identify the location of the licensing information." Ishii does not use the content's URL to "identify the location of the licensing information," where instead, in Ishii, the exact location is embedded in the content itself, specifically it is in the attribute information of the header. See Ishii at FIG. 5 and para. 0053-0058. In Applicant's invention, the location of the license is not found embedded in the content sent by a content server like it is in Ishii, it is located using the URL address of the content.

Gordon does not make up for this deficiency of Ishii where Gordon also does not teach, disclose, or suggest "using a URL address of a unit of digital content to *identify the location* of the licensing information," as in Applicant's claim 1. Instead, in Gordon, the license is *automatically* delivered with the content in response to the request to download content from a unique URL. See Gordon at para. 0012, lines 11-14. There is no teaching, disclosure, or suggestion of how Gordon locates the licensing information

that is automatically delivered, much less a teaching, disclosure or suggestion of using the URL address of the digital content to locate the licensing information.

Second, Ishii does not disclose, teach, or suggest "examining the licensing information to confirm that *the source identified* by the URL address of the digital content is *licensed to provide* the unit of digital content," as recited in claim 1. Emphasis added. In Ishii, it is not the source providing the content that is licensed as in Applicant's claim 1, it is the client who is licensed to access the content. See Ishii at para. 0067 ("each client 1 needs to acquire the license when using the obtained content").

Gordon does not make up for this deficiency of Ishii. In Gordon, the client is also licensed to use the content, and it is not the source that is licensed to provide the content as in Applicant's claim 1. See Gordon at para 0014, lines 8-12 ("if another client system accesses the unique URL address, ..., the content can be downloaded but will not be played by the subsequent client system because the license is not re-delivered").

Since neither Gordon, nor Ishii, alone or in combination, disclose, teach, or suggest, "using *a URL address of a unit of digital content* to identify the location of the licensing information," or "examining the licensing information to confirm that *the source identified* by the URL address of the digital content is *licensed to provide* the unit of digital content," the rejection of claim 1 under 35 U.S.C. § 103 should be withdrawn.

For at least the reasons stated above with respect to claim 1, claims 19, 33, and 45, which recite similar elements and were rejected under the same rationale, are allowable under 35 U.S.C. § 103. See Office Action at 3. Additionally, claims 2-18, 20-

32, and 34-44 are also allowable at least since they depend from claims 1, 19, 33, and 45.

Many of the dependant claims are also allowable in their own right. For example, the Examiner cites to Ishii at FIG. 8 as disclosing the further limitation of claim 6, "determining at least one potential location for the licensing information on the server based on the URL address of the unit of digital content." See Office Action at 5. However, FIG. 8 of Ishii does not disclose, teach, or suggest this limitation since FIG. 8 does not include any step for determining a location for the licensing information.

For another example, the Examiner cites to Ishii at 0012 as disclosing the further limitation of claim 8, "searching through the root directory for the licensing information." See Office Action at 6. However, Ishii at 0012 refers to Ishii's FIG. 14, which is a conceptual "tree" diagram of a key construction method. Although the key construction tree has a "root", this figure and Ishii at 0119-0123 implies nothing about the *location* of the keys or any licensing information within the file directory (i.e. root directory, sub-directory, etc.) of the server. Similarly, using the key construction tree of Ishii, the Examiner has improperly rejected claims 9 and 14, directed to searching through the root directory and locating a key through the root directory of the URL address. Applicant also objects to the Examiner's rejections of similar claims using the same rationale. See Office Action at 8.

In addition, in the Office Action at page 8, the Examiner rejected Applicant's previous arguments regarding claim 2 by not giving patentable weight to the phase "examining the licensing information to confirm that the content is licensed." Applicant respectfully points out to the Examiner that the phrase "examining the licensing

information to confirm..." is a limitation of claim 1, which makes it a limitation of claim 2 since claim 2 depends therefrom. The phrase does not appear in the preamble of either claim 1 or claim 2 and should be given patentable weight.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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